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District of Rhode Island

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al. :
Plaintiffs :

VS. : C.A. No. 04-312L

JEFFREY DERDERIAN, et al :
Defendants :

ORDER DIRECTING ENTRY OF SEPARATE FINAL JUDGMENT PURSUANT TO FED.R.CIV.P.54(b)

The Court hereby grants the Motion of Surplex Underwriters, Inc. (Surplex) for Entry of Separate Final Judgment Under FRCP 54(b). The Court finds, after considering the unusual complexity and cost of this litigation and the Court's previous ruling as to the legal insubstantiality of the claims that have been asserted against the Defendant, Surplex, and after specifically taking into account the factual and legal distinctions that exist between these claims and the claims that Plaintiffs have asserted against other Defendants that:

- postponement of the entry of final judgment on Plaintiffs' claims against Surplex would be at odds with the interest of the Court, the parties, and the public in the efficient administration of this case, and the interests served by early dismissal under FRCP 12(b)(6); and
- the entry of separate final judgment as to the defendant Surplex at this point in the proceedings, would further these interests, by providing certainty and obviating the need for this Defendant to participate in the forthcoming Initial Summary Judgment discovery; and
- the entry of separate final judgment of the Defendant, Surplex, is consistent with the "just, speedy, and inexpensive determination" of this action, see FRCP 1, and does not present an undue risk of appellate duplication, or the other risks presented by piecemeal appeal.

For these reason, the court finds that there is no just reason for delay, and expressly directs the entry of separate and final judgment pursuant to Fed. R. Civ. P. 54(b) for and on behalf of Defendant, Surplex, in each of the consolidated cases where this Defendant is being sued directly,[1] and in each other case in which Plaintiffs have adopted the Gray complaint.[2]

Judgment shall enter forthwith, in the form attached hereto.

ENTER: BY ORDER:

DATED: 5/3/08

Submitted by,

/s/ Bennett R. Gallo

Bennett R. Gallo, Esq. #1308
Attorney for Defendant,
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[1]This defendant was named and directly sued in *Gray v. Derderian,* C.A. No. 04-213-L.

[2] The following twelve cases did not directly name these defendants but adopted the Third Amended Master Complaint in *Henault v.American Foam Corp,* No. 03-483-L; *Passa v. Derderian,* No. 03-148-L; *Kingsley v. Derderian,* No. 03-208-L; *Guindon v. American Foam Corp.*, No. 03-225-L; *Roderiques V. American Form Corp.,* No. 04-026-L; *Sweet v. American Foam Corp.,* No. 04-056-L; *Paskowski v. Derderian,* No. 05-002-L; *Kolasa v. American Foam Corp.,* No. 05-070-L; *Malagrino v. Aemrican Foam Corp0.,* No. 06-002–L; *Long v. American Foam Corp.,* No. 06-047-L; *Gonsalves v. Derderian,* No. 06-076-L; and *Napolitano v. Derderian,* No. 06-080-L.